

REMARKS

In the Office Action mailed November 10, 2007 the Examiner noted that claims 1-27 were pending and rejected claims 1-27. Claims 1, 3, 9 and 19 have been amended, no claims have been canceled, and, thus, in view of the forgoing claims 1-27 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 1-11, 13-24, 26 and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by FR 2 727 506 A. The Applicant believes the Office meant to cite FR 2 747 506 A also cited in the International Search Report. The Applicant(s) respectfully disagree with the rejection and traverse the rejection with an argument and amendment.

On page 3 of the Office Action, the Office states that "[b]ecause the rejection is not in the English language, the Examiner relies upon the International Search Report and written opinion." Since the Office is relying on the International Search report and opinion, then the International Search Report and opinion are the cited art of record. Therefore, the Office has not meet its burden under 35 U.S.C. § 102(b) as "the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this

country, more than one year prior to the date of the application for patent in the United States." The International Search Report was mailed on 10 May 2004 well after the December 4, 2003 filing date of the instant application. Therefore, the International Search Report is inadequate reference as it was not printed at least 1 year prior to the filing of the present invention. Therefore, the Office has failed to make a *prima facie* case under 35 U.S.C. § 102(b).

Further, The Office Action contends that FR 2 474 506 A teaches the all the features of the independent claims. (Office Action, page 2). This contention is respectfully traversed.

Initially, it is noted that the Office has not identified where in FR 2 474 506 an alleged anticipatory teaching is to be found. Still further, Applicant has carefully reviewed the remainder of patent to Aspar, U.S. Patent No. 6,103,597, the corresponding U.S. patent, and finds no teaching of "spaced-apart pads (16; 106) having opposed faces that bear on the main part and the secondary part respectively." Thus, for at least this reason, FR 2 474 506 cannot anticipate independent claims.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims under 35 U.S.C. §102 are respectfully requested.

In the event that the Office maintains the rejection of independent claims under 35 U.S.C. §102, Applicant respectfully requests that the Office, in the interests of compact

prosecution, identify on the record and with specificity sufficient to support a prima facie case of anticipation, where in the Aspar patent the subject feature of the independent claims are alleged to be taught.

Nevertheless, despite the lack of prima facie case as discussed above, under 35 U.S.C. § 102(b) the Applicant has chosen to amend the claims. For instance, claim 1 has been amended to recite

1. A method of treating a structure, comprising:
producing an initial structure (11; 101; 201) comprising at least a main part and a secondary part, which have a mutual contact interface, and means formed from at least one region to be treated (20; 106; 206), which can vary in thickness approximately perpendicular to this interface due to the effect of a treatment of the material forming said region and spaced-apart pads (16; 106) having opposed faces that bear on the main part and the secondary part respectively; and
applying this treatment to said region to be treated of said initial structure so as to produce a final structure (12; 102; 202) such that the variation in thickness of said region causes the formation of an internal space (25; 109; 209) extending parallel to this interface and at least between the said spaced-apart pads and extending between said main and secondary parts over at least one zone of said interface or inside of at least one of said parts, some distance from said interface.

Support for the amendment found in Fig. 7 and the supporting text of the Application. Claims 3, 9 and 19 have been amended in a manner similar to claim 1. The Applicant submits that no new matter has been added by the amendment of the claims.

Aspar, U.S. Patent No. 6,103,597 and the French equivalent, FR 2 747 506 A discusses an implantation of ions within a substrate in such a manner that microbubbles are formed in a continuous zone in the volume thereof. After that, a thermally treating is applied to the substrate in such a manner that the substrate is fractured along this continuous zone of microbubbles. A search of the U.S. version of Aspar recites no use of a "spaced-apart pads having opposed faces that bear on the main part and the secondary part respectively," as in amended claim 1.

For at least the reasons stated above, claims 1-11, 13-24, 26 and 27 are not anticipated by Aspar.

Claims 1, 3, 7-9, 11, 12, 14, 15, 19, 21, 23 and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by DE 101 10 234 A. DE 101 10 234 A discusses a method providing for structuring a layer (2) formed on a substrate (1). For this, a mask structure (3) is formed on the layer (2) to be structured and there is induced elastic stress in this layer in the region situated at the edge of the mask structure. This elastic stress, exerted in the plan of the layer (2) to be structured or in a parallel direction to the interface between the substrate (1) and the layer (2) to be structured, induces a breaking of the layer (2) to be structured. This breaking induces the formation of a groove (for example reference 11a in figure 8) in said stressed region, this groove transversing the layer (2) to be structured.

DE 101 10 234 A therefore does not teach or suggest "and spaced-apart pads (16; 106) having opposed faces that bear on the main part and the secondary part respectively," as in amended claim 1. For at least the reasons discussed above as to Aspar, claims 1, 3, 7-9, 11, 12, 14, 15, 19, 21, 23 and 27 are not anticipated by DE 101 10 234 A.

SUMMARY


It is submitted that the claims satisfy the requirements of 35 U.S.C. § 102. It is also submitted that claims 1-27 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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